

FIRST REGULAR SESSION

# HOUSE BILL NO. 276

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BRATTIN (Sponsor), COX, BAHR, SMITH (120), NEELY,  
BROWN AND MCGAUGH (Co-sponsors).

0608L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 571.107 and 590.010, RSMo, and to enact in lieu thereof six new sections relating to school protection officers, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 571.107 and 590.010, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.665, 571.107, 590.010, 590.200, 590.205, and 590.207, to read as follows:

**160.665. 1. Any school district within the state may designate one or more elementary or secondary school teachers or administrators as a school protection officer. The responsibilities and duties of a school protection officer are voluntary and shall be in addition to the normal responsibilities and duties of the teacher or administrator. Any compensation for additional duties relating to service as a school protection officer shall be funded by the local school district, with no state funds used for such purpose.**

**2. Any person designated by a school district as a school protection officer shall be authorized to carry concealed firearms in any school in the district and shall be required to keep such firearm on his or her person at all times while on school property. Any school protection officer who violates this subsection shall be removed immediately from the classroom and subject to employment termination proceedings.**

**3. Any person designated as a school protection officer may detain, on view, any person the officer sees violating or who such officer has reasonable grounds to believe has violated any law of this state, including a misdemeanor or infraction, or any policy of the school.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **4. Any person detained by a school protection officer for violation of any state law**  
17 **shall, as soon as practically possible, be turned over to a law enforcement officer.**  
18 **However, in no case shall a person detained under the provisions of this section be detained**  
19 **by a school protection officer for more than four hours.**

20           **5. Any person detained by a school protection officer for violation of any school**  
21 **policy shall, as soon as practically possible, be turned over to a school administrator.**  
22 **However, in no case shall a person detained under the provisions of this section be detained**  
23 **by a school protection officer for more than four hours.**

24           **6. Any teacher or administrator of an elementary or secondary school who seeks**  
25 **to be designated as a school protection officer shall request such designation, in writing,**  
26 **and submit it to the superintendent of the school district which employs him or her as a**  
27 **teacher or administrator. Along with this request the teacher or administrator shall also**  
28 **submit proof that he or she has a valid concealed carry endorsement and shall submit a**  
29 **certificate of school protection officer training program completion from a training**  
30 **program approved by the director of the department of public safety which demonstrates**  
31 **that such person has successfully completed the training requirements established by the**  
32 **POST commission under chapter 590 for school protection officers.**

33           **7. No school district may designate a teacher or administrator as a school**  
34 **protection officer unless such person has a valid concealed carry endorsement and has**  
35 **successfully completed a school protection officer training program which has been**  
36 **approved by the director of the department of public safety.**

37           **8. Any school district which designates a teacher or administrator as a school**  
38 **protection officer shall, within thirty days, notify, in writing, the director of the department**  
39 **of public safety of the designation which shall include the following:**

- 40           **(1) The full name, date of birth, and address of the officer;**  
41           **(2) The name of the school district; and**  
42           **(3) The date such person was designated as a school protection officer.**  
43

44 **Notwithstanding any other law, any identifying information collected under the authority**  
45 **of this subsection shall not be considered public information and shall not be subject to a**  
46 **sunshine request made under chapter 610.**

47           **9. A school district may revoke the designation of a person as a school protection**  
48 **officer for any reason and shall immediately notify the designated school protection officer,**  
49 **in writing, of the revocation. The school district shall also within thirty days of the**  
50 **revocation notify the director of the department of public safety, in writing, of the**  
51 **revocation of the designation of such person as a school protection officer.**

52           **10. The director of the department of public safety shall maintain a listing of all**  
53 **persons designated by school districts as school protection officers and shall make this list**  
54 **available to all law enforcement agencies.**

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to  
2 571.121 or a concealed carry endorsement or permit issued by another state or political  
3 subdivision of another state shall authorize the person in whose name the permit or endorsement  
4 is issued to carry concealed firearms on or about his or her person or vehicle throughout the state.  
5 No driver's license or nondriver's license containing a concealed carry endorsement issued  
6 pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by  
7 another state or political subdivision of another state shall authorize any person to carry  
8 concealed firearms into:

9           (1) Any police, sheriff, or highway patrol office or station without the consent of the  
10 chief law enforcement officer in charge of that office or station. Possession of a firearm in a  
11 vehicle on the premises of the office or station shall not be a criminal offense so long as the  
12 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

13           (2) Within twenty-five feet of any polling place on any election day. Possession of a  
14 firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long  
15 as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

16           (3) The facility of any adult or juvenile detention or correctional institution, prison or  
17 jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or  
18 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not  
19 removed from the vehicle or brandished while the vehicle is on the premises;

20           (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any  
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such  
22 court solely occupies the building in question. This subdivision shall also include, but not be  
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of  
24 the courts or offices listed in this subdivision are temporarily conducting any business within the  
25 jurisdiction of such courts or offices, and such other locations in such manner as may be  
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this  
27 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section  
28 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4),  
29 and (10) of subsection 2 of section 571.030, or such other persons who serve in a law  
30 enforcement capacity for a court as may be specified by supreme court rule pursuant to  
31 subdivision (6) of this subsection from carrying a concealed firearm within any of the areas  
32 described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the

33 areas listed in this subdivision shall not be a criminal offense so long as the firearm is not  
34 removed from the vehicle or brandished while the vehicle is on the premises;

35 (5) Any meeting of the governing body of a unit of local government; or any meeting of  
36 the general assembly or a committee of the general assembly, except that nothing in this  
37 subdivision shall preclude a member of the body holding a valid concealed carry endorsement  
38 from carrying a concealed firearm at a meeting of the body which he or she is a member.  
39 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the  
40 firearm is not removed from the vehicle or brandished while the vehicle is on the premises.  
41 Nothing in this subdivision shall preclude a member of the general assembly, a full-time  
42 employee of the general assembly employed under section 17, article III, Constitution of  
43 Missouri, legislative employees of the general assembly as determined under section 21.155, or  
44 statewide elected officials and their employees, holding a valid concealed carry endorsement,  
45 from carrying a concealed firearm in the state capitol building or at a meeting whether of the full  
46 body of a house of the general assembly or a committee thereof, that is held in the state capitol  
47 building;

48 (6) The general assembly, supreme court, county or municipality may by rule,  
49 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by  
50 endorsement holders in that portion of a building owned, leased or controlled by that unit of  
51 government. Any portion of a building in which the carrying of concealed firearms is prohibited  
52 or limited shall be clearly identified by signs posted at the entrance to the restricted area. The  
53 statute, rule or ordinance shall exempt any building used for public housing by private persons,  
54 highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that  
55 unit of government from any restriction on the carrying or possession of a firearm. The statute,  
56 rule or ordinance shall not specify any criminal penalty for its violation but may specify that  
57 persons violating the statute, rule or ordinance may be denied entrance to the building, ordered  
58 to leave the building and if employees of the unit of government, be subjected to disciplinary  
59 measures for violation of the provisions of the statute, rule or ordinance. The provisions of this  
60 subdivision shall not apply to any other unit of government;

61 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the  
62 premises, which portion is primarily devoted to that purpose, without the consent of the owner  
63 or manager. The provisions of this subdivision shall not apply to the licensee of said  
64 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant  
65 open to the general public having dining facilities for not less than fifty persons and that receives  
66 at least fifty-one percent of its gross annual income from the dining facilities by the sale of food.  
67 This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the  
68 establishment and shall not be a criminal offense so long as the firearm is not removed from the

69 vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision  
70 authorizes any individual who has been issued a concealed carry endorsement to possess any  
71 firearm while intoxicated;

72 (8) Any area of an airport to which access is controlled by the inspection of persons and  
73 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a  
74 criminal offense so long as the firearm is not removed from the vehicle or brandished while the  
75 vehicle is on the premises;

76 (9) Any place where the carrying of a firearm is prohibited by federal law;

77 (10) Any higher education institution or elementary or secondary school facility without  
78 the consent of the governing body of the higher education institution or a school official or the  
79 district school board, **unless the person with the concealed carry endorsement or permit is**  
80 **a teacher or administrator of an elementary or secondary school who has been designated**  
81 **by his or her school district as a school protection officer and is carrying a firearm in a**  
82 **school within that district, in which case no consent is required.** Possession of a firearm in  
83 a vehicle on the premises of any higher education institution or elementary or secondary school  
84 facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or  
85 brandished while the vehicle is on the premises;

86 (11) Any portion of a building used as a child care facility without the consent of the  
87 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a  
88 family home from owning or possessing a firearm or a driver's license or nondriver's license  
89 containing a concealed carry endorsement;

90 (12) Any riverboat gambling operation accessible by the public without the consent of  
91 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of  
92 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal  
93 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
94 is on the premises;

95 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the  
96 premises of the amusement park shall not be a criminal offense so long as the firearm is not  
97 removed from the vehicle or brandished while the vehicle is on the premises;

98 (14) Any church or other place of religious worship without the consent of the minister  
99 or person or persons representing the religious organization that exercises control over the place  
100 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal  
101 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
102 is on the premises;

103 (15) Any private property whose owner has posted the premises as being off-limits to  
104 concealed firearms by means of one or more signs displayed in a conspicuous place of a

minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry endorsement revoked and such person shall not be eligible for a concealed carry endorsement for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the certificate of qualification for a concealed carry endorsement and the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall

141 notify the licensee that he or she must apply for a new license pursuant to chapter 302 which  
142 does not contain such endorsement. A concealed carry endorsement suspension pursuant to  
143 sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's  
144 license. The notice issued by the department of revenue shall be mailed to the last known  
145 address shown on the individual's driving record. The notice is deemed received three days after  
146 mailing.

590.010. As used in this chapter, the following terms mean:

- 2 (1) "Commission", when not obviously referring to the POST commission, means a grant  
3 of authority to act as a peace officer;
- 4 (2) "Director", the director of the Missouri department of public safety or his or her  
5 designated agent or representative;
- 6 (3) "Peace officer", a law enforcement officer of the state or any political subdivision of  
7 the state with the power of arrest for a violation of the criminal code or declared or deemed to  
8 be a peace officer by state statute;
- 9 (4) "POST commission", the peace officer standards and training commission;
- 10 (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours  
11 per week;
- 12 (6) **"School protection officer", an elementary or secondary school teacher or**  
13 **administrator who has been designated as a school protection officer by a school district.**

**590.200. 1. The POST commission shall:**

- 2 (1) **Establish minimum standards for the training of school protection officers;**
- 3 (2) **Set the minimum number of hours of training required for a school protection**  
4 **officer; and**
- 5 (3) **Set the curriculum for school protection officer training programs.**
- 6 **2. At a minimum this training shall include:**
- 7 (1) **Instruction specific to the prevention of incidents of violence in schools;**
- 8 (2) **The handling of emergency or violent crisis situations in school settings;**
- 9 (3) **A review of all state criminal laws;**
- 10 (4) **Training involving the use of defensive force; and**
- 11 (5) **Training involving the use of deadly force.**

**590.205. 1. The POST commission shall establish minimum standards for school  
2 protection officer training instructors, training centers, and training programs.**

3 **2. The director shall develop and maintain a list of approved school protection**  
4 **officer training instructors, training centers, and training programs. The director shall not**  
5 **place any instructor, training center, or training program on its approved list unless such**  
6 **instructor, training center, or training program meets all of the POST commission**

7 requirements under this section and section 590.200. The director shall make this  
8 approved list available to every school district in the state.

9       3. Each person seeking entrance into a school protection officer training center or  
10 training program shall submit a fingerprint card and authorization for a criminal history  
11 background check to include the records of the Federal Bureau of Investigation to the  
12 training center or training program where such person is seeking entrance. The training  
13 center or training program shall cause a criminal history background check to be made  
14 and shall cause the resulting report to be forwarded to the school district where the  
15 elementary school teacher or administrator is seeking to be designated as a school  
16 protection officer.

17       4. No person shall be admitted to a school protection officer training center or  
18 training program unless such person submits proof to the training center or training  
19 program that he or she has a valid concealed carry endorsement.

20       5. A certificate of school protection officer training program completion may be  
21 issued to any applicant by any approved school protection officer training instructor. On  
22 the certificate of program completion the approved school protection officer training  
23 instructor shall affirm that the individual receiving instruction has taken and passed a  
24 school protection officer training program that meets the requirements of this section and  
25 section 590.200 and that the individual has a valid concealed carry endorsement. The  
26 instructor shall also provide a copy of such certificate to the director of the department of  
27 public safety.

590.207. 1. Notwithstanding any other provision of law, any person designated as  
2 a school protection officer under the provisions of section 160.665 who fails to properly  
3 carry his or her concealed weapon on his or her person at all times while on school  
4 property as proscribed under subsection 2 of section 160.655 shall be guilty of a class A  
5 misdemeanor and shall be subject to employment termination proceedings within the  
6 school district.

7       2. Any school employee who discloses any information collected under subsection  
8 8 of section 160.655 that contains identifying personal information about any person  
9 designated as a school protection officer to anyone other than those authorized to receive  
10 the information under subsection 8 of section 160.655 shall be guilty of a class B  
11 misdemeanor and shall be subject to employment termination proceedings within the  
12 school district.

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